



# WHITMAN-WALKER HEALTH

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**BEFORE THE COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
Public Hearing on Bill 23-318  
“Community Safety and Health Amendment Act of 2019”  
Thursday, October 17, 2019  
Testimony of Benjamin Brooks, Assistant Director of Policy  
Whitman-Walker Health**

Good Afternoon, Chairperson Allen and Committee Members:

My name is Benjamin Brooks, I am the Assistant Director of Policy for Whitman-Walker Health. Whitman-Walker Health has been serving the District’s LGBTQ community for over 40 years and has been fighting on the front-lines of the HIV epidemic response since the beginning. Our commitment to providing a safe, respectful, and affirming environment, and our wide array of services have made us the healthcare home of choice for thousands of the District’s residents, of every gender and sexual orientation, and people living with HIV. In calendar year 2018, we provided health care services to more than 20,700 individuals – the large majority of whom were District residents – and legal advice and representation to more than 2,700 individuals and families.

We are leaders in providing gender affirming primary care, behavioral health care, peer support services, and legal assistance for an ever-growing number of transgender and gender expansive individuals – more than 1,800 in 2018. We also provide health care and legal assistance to large numbers of immigrants to the U.S. Many of our patients and legal clients struggle with poverty, housing instability, unemployment or under-employment, and multiple, intersecting marginalized identities. Significant numbers of our patients and legal clients have engaged in sex work, either from necessity or by choice, and we are committed to their health and wellness, and their dignity, as we are to the health, wellness and dignity of everyone in our community.

You are hearing from many different perspectives today about how the criminalization of consensual behavior between adults is harmful to your constituents. I urge you to honor those sharing again the horrors of jail, the humiliations of court, the economic and psychological burdens of stiff fines, and the obstacles that an arrest or criminal record creates for housing and jobs.

Whitman-Walker’s medical and behavioral health providers, lawyers, and community health workers see the damaging effects of stigma every day, so we are very concerned with laws that stigmatize sexual encounters between consenting adults. Our lawyers and health care providers also see every day the many barriers that arrest and criminal records impose on their patients’

and legal clients' access to housing, jobs and immigration relief. We also are concerned with how criminalization of sex work undercuts our efforts, in the struggle against the HIV epidemic, to engage the most heavily-impacted communities with testing, treatment and HIV prevention. And we are very concerned with how these laws, as enforced, exacerbate the harassment and discrimination that transgender people, and people of color, continue to experience in our city.

Over the past two years, Whitman-Walker, together with the O'Neill Institute for National and Global Health Law at Georgetown University School of Law, and HIPS, conducted research funded by the Elton John AIDS Foundation on the effect of the District's laws on the health and well-being of sex workers.

We conducted three focus groups with a total of 27 local sex workers, primarily Black transgender women, and Black cisgender men who identified as gay or bisexual. We interviewed 12 stakeholders, including the Metropolitan Police Department, attorneys who represent sex workers in court proceedings, an immigration lawyer, providers of services to minors and victims of sex trafficking, the ACLU, and community advocates.

A report is forthcoming, but here are some of the preliminary results:

Among people engaged in sex work, criminalization causes stigma, discrimination, and ill health. The direct harm of criminalization is felt through the trauma of incarceration, a potentially violent experience for transgender people. Incarceration interrupts stability; contributing to homelessness and illness.

Incarceration derails engagement in healthcare, which is particularly dangerous for sex workers living with or at risk of HIV. Criminal records create barriers to affordable housing, education and employment.

We have seen, in particular, that the stigma of criminalization constructs barriers between sex workers and their medical providers, often blocking them from accessing preventive healthcare appropriate for their needs, leading to increased rates of illness.

The District's prostitution enforcement leads to stereotyping, harassment, and stigmatization of sex workers and contributes to mistrust of law enforcement and of the District's Office of Police Complaints. The Metropolitan Police Department has made progress in improving the relationship of officers with the communities they serve. Yet, sex workers feel that they are not believed or prioritized when they report incidents of violence or threats to the police, or incidents of police misconduct to the Office of Police Complaints.

Washington, DC has one of the highest rates of HIV infection in the nation. Organized sex workers and activated community organizations are poised to capture the positive effects on HIV prevention and treatment programs that decriminalization has had in other places, such as New Zealand.

Whitman-Walker agrees with the dedicated individuals and organizations engaged in anti-trafficking work that our community is failing to protect its vulnerable children and adults from exploitation. However, we do not believe that criminalization of fully voluntary sexual transactions between consenting adults is the way to address trafficking and the exploitation of minors. Our current criminal laws disempower sex workers by labeling them as criminals, and make it more difficult for them to report abuse and exploitation, and to protect one another. We must stop reinforcing the structural vulnerability of the District's most discriminated and exploited communities.

The circumstances of vulnerability that lead to exploitation are a direct result of the under-investment in the District's communities of color and are only exacerbated by continuing the disproportionate criminalization and policing of Black people.

Criminalizing the consensual commercial sexual exchange is fundamentally self-defeating. It is a corrupting influence in our city, and exacerbates the injustices borne by many in our community, particularly transgender women of color.

Whitman-Walker recommends that the Council pass the Community Safety and Health Amendment Act of 2019. It is a step in the right direction, and the status quo needs to change.

Whitman-Walker recognizes that this bill is only the beginning. That is why the bill creates a task force to determine what future changes can be made to the law to improve the health and well-being of all District residents.

In this era when fear and outright bigotry are widespread, we urge the Council to take a bold step and once again demonstrate the District of Columbia's leadership in addressing systemic injustice, and pointing the way for the nation to a better future.

Thank you for time. I would be happy to answer any questions you might have, and Whitman-Walker would be happy to provide additional information or to assist this Committee and the Council in any other way.

Respectfully submitted,

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